

**Editor's note: Reconsideration denied by order dated May 6, 1980**

DUNCAN MILLER

IBLA 79-290

Decided December 19, 1979

Appeal from decision of Eastern States Office, Bureau of Land Management, rejecting oil and gas lease offer ES 19022.

Dismissed.

1. Rules of Practice: Appeals: Standing to Appeal

A person has no standing to appeal with respect to action taken on a simultaneous oil and gas lease when he has not shown that he participated in the drawing or that he has a present interest in the lease.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

J. Keith Sullivan's drawing entry card was drawn with first priority in a drawing held on June 1, 1978. By a decision dated October 2, 1978, the Eastern States Office, Bureau of Land Management (BLM), informed Mr. Sullivan and the persons whose DEC's were drawn with second and third priority that their lease offers were rejected because the lands in issue lie within a known geologic structure (KGS) of a producing oil or gas field and may only be leased competitively under the Mineral Leasing Act. 43 CFR 3101.1-1. BLM explained that the lands had erroneously appeared on the May 1978 simultaneous list.

Duncan Miller appeals this decision.

43 CFR 4.410 provides that "any party to a case who is adversely affected by a decision of an officer of the Bureau of Land Management \* \* \* shall have the right to appeal to the Board." No evidence has been submitted that appellant is an aggrieved party. He was not the first, second, or third drawee. Nor is there any evidence that he

participated in the drawing or of an assignment or other arrangement between him and J. Keith Sullivan, the first drawee. Accordingly, the appellant has no standing to an appeal.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is dismissed.

Anne Poindexter Lewis  
Administrative Judge

We concur:

Douglas E. Henriques  
Administrative Judge

Frederick Fishman  
Administrative Judge

